

II. Remarks

The Examiner is requested to reconsider the application.

Applicant appreciates the Examiner's Interview on August 9, 2007.

Applicant requests that the Examiner consider the art listed on the enclosed 1449 forms of record. The art and corresponding IDS have previously been submitted. Applicant would particularly note those documents listed on the enclosed 1449 forms as pertaining to the *Windy City Innovations, LLC v. America Online, Inc.* litigation (which has been settled).

Claim charts, for the pending claims, are provided.

In response to the restriction requirement, Applicant elects Group 3 with traverse and maintains the traversal set forth in Applicant's filing dated February 27, 2007, and additionally notes that the Examiner has not shown, pursuant to MPEP Sec. 802, that claims are independent and distinct and have separate utility for each of the Groups. More so, even if they are separate and distinct, there is "a serious burden on the Examiner if restriction is required (see MPEP Section 803.02, Section 806.04(a) - Section 806.04(i), Section 808.01(a), and Section 808.02)." And pursuant to GUIDELINES found there, "examiners must provide reasons and/or examples to support conclusions." The Examiner has not provided sufficient "reasons and/or examples to support conclusions" as required by the MPEP. In sum, the Examiner has not established that these Groups are separate and distinct and has not made out a prima facie showing as to why a search and consideration of the prior art for the elected Group would not inherently include a search and consideration of the prior art of the other Groups.

The application is believed to be in condition for allowance, and favorable action is requested. If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

The Commissioner is hereby authorized to charge any fees associated with the above-

identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed, this shall be deemed a petition therefor. Please direct all communication to the undersigned at the address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'PK Trzyna', with a long horizontal flourish extending to the right.

Date: August 15, 2007

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